

Docket No.: 03818/100L651-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mladen Mercep et al.

Application No.: 10/615,010

Filed: July 7, 2003

For: NOVEL NON-STEROIDAL ANTI-  
INFLAMMATORY SUBSTANCES,  
COMPOSITIONS AND METHODS FOR  
THEIR USE

Art Unit: 1623

Examiner: E. Peselev

**RECEIVED**

**JUL 19 2005**

**OFFICE OF PETITIONS**

**PETITION UNDER 37 CFR 1.313(c)(2)**

Mail Stop Petitions  
Commissioner for patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We hereby request withdrawal of patent application 10/615,010 from issue. The application was allowed on April 1, 2005 and the issue fee was paid on June 30, 2005.

A request for continued examination in compliance with 37 CFR §1.114 is being submitted simultaneously with this petition.

There is a specific and potentially significant defect in the allowed application requiring this application to be withdrawn from issue. Particularly, applicants have become aware of several references that were not before the Examiner during prosecution of this application. These references are U.S. Pat. Pub. 2004/0186063 A1 and U.S. Pat. Pub. 2004/0087517 A1.

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Our check in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) is enclosed. The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Accordingly, it is respectfully requested that this request for withdrawal from issue be granted.

Dated: July 18, 2005

Respectfully submitted,

By Helin Amy

Lydia Gayle Olson

Registration No.: 48,487

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	10/615,010
	<b>Filing Date</b>	July 7, 2003
	<b>First Named Inventor</b>	Mladen Mercep
	<b>Art Unit</b>	1623
	<b>Examiner Name</b>	E. Peselev
	<b>Attorney Docket Number</b>	03818/100L651-US1

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OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313(c)(2) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-0100 :  
☐ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

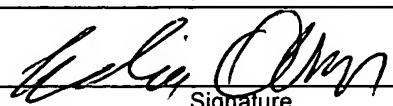
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

  
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Signature

July 18, 2005

\_\_\_\_\_  
Date

Lydia Gayle Olson

\_\_\_\_\_  
Typed or printed name

48,487

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Registration No., if applicable